PATENT COOPERATION TREATY

PCT

REG'D 10 JUN. 2003

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

International application No. PCT/US02/12623 23/04/2002 Priority date (day/month/year) 23/04/2002 Priority date (day/month/year) 02/05/2001 Priority date (day/month/year) 02/05/2001 Applicant AK PROPERTIES, INC. et al. 1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36. 2. This REPORT consists of a total of 4 sheets, including this cover sheet. This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rulo 70.16 and Section 607 of the Administrative Instructions under the PCT). These annexes consist of a total of sheets.		licant's or 06425	ager	t's file reference	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)				
PCT/US02/12623 23/04/2002 02/05/2001 International Patent Classification (IPC) or national classification and IPC C21D8/12			polic	etion No	International filing date (day/mor	th/year)	Priority date (day/month/year)		
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and is transmitted to the applicant according to Article 96. This REPORT consists of a total of 4 sheets, including this cover sheet. This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT). These annexes consist of a total of sheets. These annexes consist of a total of sheets. This report contains indications relating to the following Items:	ΑK	AK PROPERTIES, INC. et al.							
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Priority	3.	This re	port	contains indications rela	ating to the following items:				
Non-establishment of opinion with regard to novelty, inventive step and industrial applicability Lack of unity of invention Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; cliations and explanations suporting such statement VI		1	×	Basis of the report					
V		II		Priority			the decided and line hilling		
V Reasoned statement under Article SS(2) with regard to novelty, inventive step or industrial applicability; citations and explanations suporting such statement VI Certain documents cited VII Certain defects in the international application VIII Certain observations on the International application Date of submission of the demand Date of completion of this report 05.06.2003 Name and mailing address of the international preliminary examining authority: Description of the international preliminary examining authority: Description of the international preliminary examining authority: Description of the international preliminary examining authority: Description of the international preliminary examining authority: Description of the international preliminary examining authority: Description of the international preliminary examining authority: Description of the international preliminary examining authority: Description of the international preliminary examining authority: Description of the international preliminary examining authority: Description of the international preliminary examining authority: Description of the international preliminary examining authority: Description of the international preliminary examining authority: Description of the international preliminary examining authority: Description of the international preliminary examining authority: Description of the international preliminary examining authority: Description of the international preliminary examining authority: Description of the international preliminary examining authority: Description of the international preliminary examining authority: Description of the international preliminary examining authority: Description of the international preliminary examining authority: Description of the international preliminary examining authority: Description of the international preliminary examining authority: Description of the international preliminary examining authority: Description of the international preliminary examining authority: D		Ш	X			inventive step	and industrial applicability		
citations and explanations suporting such statement VI Certain doments cited VII Certain defects in the international application VIII Certain observations on the International application Date of submission of the demand Date of submission of the demand Date of completion of this report 05.06.2003 Name and mailing address of the international preliminary examining authority: Authorized officer periminary examining authority: Bergman, L Bergman, L		IV		Lack of unity of Inventi-	on		the state of ladvetelel applicability		
VI Certain defects in the international application VIII Certain defects in the international application VIII Certain observations on the International application Date of submission of the demand Date of submission of the demand Date of completion of this report 05.06.2003 Name and mailing address of the international preliminary examining authority: Decided for the international application Date of submission of the demand Date of completion of this report 05.06.2003		٧		Reasoned statement u citations and explanati	nder Article 35(2) with regard ons suporting such statement	to noverty, inv	entive step of illuderial applicability;		
Certain observations on the International application		VI		Certain documents cit	ed				
Date of submission of the demand 25/11/2002 Date of completion of this report 05.06.2003 Name and mailing address of the international preliminary examining authority: Authorized officer		VII		Certain defects in the i	nternational application				
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25/11/2002 Name and mailting address of the international preliminary examining authority: European Patent Office D-90299 Munich									
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Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465 Telephone No. +49 89 2399 8443	-	<u></u>	Euro D-80	pean Patent Office 1298 Munich		gman, L	(<u> </u>		
						ohone No. +49 8	39 2399 8443		

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

☐ the claims,

Nos.:

International application No. PCT/US02/12623

	Basi	is of the report				to a second furnished to	
1.	the r	ith regard to the elements of the international application (Replacement sheets which have been furnished to e receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" of are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)); escription, pages:					
	1-20		as originally filed				
	Clai	ms, No.:					
	1-29)	as originally filed				
	Drawings, sheets:						
	1/2,2	2/2	as originally filed				
2.	With	n regard to the language in which the	guage, all the elements intemational application	marked above were available was filed, unless otherwise	e or furnished indicated und	d to this Authority in the ler this item.	
	The	se elements were	available or furnished to	this Authority In the following	g language:	, which is:	
	п	the language of a	translation furnished fo	the purposes of the internat	donal search	(under Rule 23.1(b)).	
		the language of n	ublication of the interna	ional application (under Rule	48.3(b)).		
		the language of a 55.2 and/or 55.3)	translation furnished fo	r the purposes of internations	al preliminary	examination (under Rule	
3.	With	n regard to any nu rnational prelimina	cleotide and/or amlno ry examination was car	acid sequence disclosed in led out on the basis of the se	the internatio equence listin	nal application, the g:	
		contained in the i	nternational application	in written form.			
		filed together with	the international applic	ation In computer readable fo	orm.		
		furnished subseq	uently to this Authority i	n written form.			
		furnished subseq	uently to this Authority i	n computer readable form.			
		The statement the	at the subsequently fur application as filed has	ished written sequence listin een furnished.			
		The statement th listing has been f	at the information recor	led in computer readable fon	m is Identical	to the written sequence	
4.	The	e amendments hav	re resulted in the cance	atlon of:			
	П	the description.	pages;				

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No. PCT/US02/12623

		the drawings,	sheets:			
5.		considered to go be	n established as if (some of) the amendments had not been made, since they have been yond the disclosure as filed (Rule 70.2(c)):			
		(Any replacement s. report.)	, heet containing such amendments must be referred to under item 1 and annexed to this			
6.	Additional observations, if necessary:					
111.	No	n-establishment of o	ppinion with regard to novelty, inventive step and industrial applicability			
1.	The	The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non- obvious), or to be industrially applicable have not been examined in respect of:				
		the entire Internation				
		claims Nos				
be	cau	se:				
		the said Internations not require an intern	al application, or the said claims Nos. relate to the following subject matter which does national preliminary examination (specify):			
	×	the description, clai unclear that no mea see separate shee	ms or drawings (<i>indicate particular elements below</i>) or said claims Nos. 1-29 are so aningful opinion could be formed (<i>specify</i>):			
		the claims, or said could be formed.	claims Nos. are so inadequately supported by the description that no meaningful opinion			
		no international sea	arch report has been established for the said clalms Nos			
2	an	meaningful internatior d/or amino acid sequ structions:	nal preliminary examination cannot be carried out due to the failure of the nucleotide ence listing to comply with the standard provided for in Annex C of the Administrative			
		the written form ha	s not been furnished or does not comply with the standard.			
		the computer reada	able form has not been furnished or does not comply with the standard.			

Re Item III

Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

In the present case there is too large a number of independent claims (1, 21, 24 and 27). A lack of clarity of the claims as a whole arises, since the plurality of independent claims makes it difficult, if not impossible, to determine the matter for which protection is sought, and places an undue burden on others seeking to establish the extent of the protection.

Hence, claims claims 1, 21, 24 and 27 do not meet the requirements of Article 6 PCT.

Hence, since the application contains an unnecessary plurality of indepent claims, no examination of any of the claims will be carried out such that no detailed opinion can be given for any of the claims.